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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/139,330	08/25/1998	KOICHI SAKAMOTO	Q50138	5205

7590 01/16/2003

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2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/139,330

Applicant(s)

SAKAMOTO, KOICHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-8 is/are allowed.
- 6) ☐ Claim(s) 9, 10 and 19 is/are rejected.
- 7) ☐ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 8 is objected to because of the following informalities:

Claim 8 (line 5), "said second data processor" should be changed to --said second processor--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US 6,011,547) in view of Harshbarger, Jr. et al. (US 5,351,201).

Regarding claim 9, Shiota et al. disclose a method of printing an image, comprising the steps of capturing an original image by an image pickup device (image pick-up unit 4, figure 1, column 3, lines 58-63); displaying the original image captured by the image pickup device on a display device as a reproduced image (column 1, lines 48-50); restoring print image data representing a print image associated with the reproduced image on the basis of the estimated, displayed state of the reproduced image to be displayed on a server monitor (image reproducing apparatus 3 carries out sequential reproduction processings on image files 7 stored in server 2, and then display image on monitor 15, figure 1, column 5, lines 35-53); performing a printing processing on the print image data (printer 12, figure 1, column 5, lines 40-53); printing an image represented by the print image data performed with the printing processing (print 14, column 5, lines 40-53).

Shiota et al. fail to specifically disclose displaying on a screen of the display device a reference image for detection of a controlled state of the display device; capturing the reference image displayed on the screen by the image pickup device to produce reference image data; and estimating a displayed state of the reproduced image displayed on the display device from the reference image data. However, Harshbarger, Jr. et al. disclose a camera 26 which is utilized to view the visual information presented on display 22 through input from pattern generator 24 (displaying and capturing the reference image, figure 1, column 6, lines 27-50). Harshbarger, Jr. et al. disclose a program for performing analysis of the video display, once the pattern and code have been displayed on the video display (estimating a displayed state of the

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reproduced image displayed on the display device, figure 14, column 13, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Shiota et al. by the teaching of Harshbarger, Jr. et al. in order to provide an apparatus for automatically evaluating the performance of an electronic video display device (column 3, lines 39-40).

Regarding claim 10, Harshbarger, Jr. et al. disclose wherein the reference image comprises a picture pattern reference representing gradation levels (gray scale, figure 4J, column 9, lines 46-48).

Regarding claim 19, Shiota et al. disclose step of editing (the picture should be trimmed, column 4, lines 63-65); said step of performing the printing processing comprising the step of using information obtained during the step of editing to modify the print image data (set-up processing unit 11 carries out processing according to the recording information 9, figure 1, column 5, lines 54-56).

Allowable Subject Matter

5. Claims 1-8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of the record fail to show or fairly suggest an image print system comprising a first processor, said first processor comprising a data transmitter for receiving, from said image pickup device, reference image data generated from said image pickup device capturing the reference image displayed on said display device, and for transmitting the reference image data together with the original image data.

Claims 2-8 are allowable for the reason given respect to claim 1.

6. Claims 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 11, the prior art of the record fail to show or fairly suggest a method of printing an image comprising the step of calculating a reflectivity of the screen of the display device from information on a device type of the image pickup device and the reference image data.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuoka (US 5,754,227) discloses digital electronic camera.

Parulski et al. (US 5,696,850) disclose automatic image sharpening in an electronic imaging system.

Steinberg et al. (US 5,862,217) disclose method and apparatus for in-camera encryption.

Isoda (US 6,249,835) discloses system for converting print instruction into image data.

Matsuyama (US 6,330,068) discloses image storing apparatus.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is **(703) 308-9297**. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to : (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

LN LN
January 12, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600